

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1439 OF 2007

Jayadev Damodar Thakur] .. Petitioner

Versus

1. The Tahsildar, Tal. Uran & 3 ors.] .. Respondents

Mr. Rahul Thakur for the petitioner.

Mr. S.R. Nargolkar, AGP, for the respondents No.1 to 4.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 04TH JUNE, 2007

P.C. :

. Heard.

2. The petitioner states that he is the owner of land bearing Survey No.102, Hissa No.1+2 admeasuring 0.41 ares. According to him, certain persons have encroached upon this area and, therefore, he has made a grievance before the local authorities and the local authorities have issued Notice and since they are not taking further steps, the petitioner has approached this Court. The land involved is a private land and, therefore, if on a private land of the petitioner, somebody has encroached upon, the petitioner should have

obstructed the said encroachment and should have filed either a Suit for injunction and/or Suit for recovery of possession depending upon the facts of the case. To protect his own property is the responsibility of the petitioner and the instrumentality of the respondents cannot be used for the purposes of removing the encroachment in the manner in which the petitioner is trying to do that. Apart from that, the encroachers are also not made party to this Petition and under these circumstances, we refrain to entertain the Writ Petition and the Petition is rejected.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]